

10-01-01

Section 8

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

ROSENTHAL, et al.

Serial No.: 09/893,339


Filed: June 26, 2001

Confirmation No.: 1140

Atty. File No.: 42830-00236

For: "COMPOSITION FOR DELIVERY OF  
HEMATOPOIETIC GROWTH FACTOR"

) Group Art Unit: 1646  
)  
) Examiner: Not Yet Assigned  
)  
) SUBMISSION OF MISSING PARTS  
) (37 C.F.R. § 1.53(f); AND SUBMISSION  
) OF SUBSTITUTE DRAWINGS (37 C.F.R.  
) § 1.85)

CERTIFICATE OF EXPRESS MAILING	
DATE OF DEPOSIT	September 28, 2001
EXPRESS MAIL LABEL	EL702178597US
I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 C.F.R. 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231	
MARSH, FISCHMANN & BREYFOGLE LLP	
BY:	 Linda King

Assistant Commissioner For Patents  
Washington, D.C. 20231  
BOX MISSING PART

Dear Sir:

This communication is responsive to a Notice to File Missing Parts having a date mailed of August 28, 2001. The missing parts notice listed the missing parts as including the basic filing fee, additional claim fees, and the oath or declaration from the inventors.

Enclosed herewith is a check in the amount of \$708 in payment of \$355 for the basic filing fee under 37 C.F.R. § 1.16(a), \$188 for additional claim fees for additional total claims under 37 C.F.R. § 1.16(c) and \$65 for the late filing surcharge under 37 C.F.R. § 1.16(l), based on small entity status. An assertion is made of small entity status. Also enclosed are a Declaration signed by the named inventors and substitute drawings.

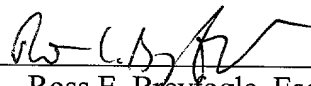
Additionally, the Notice to File Missing Parts objected to the drawings as not having appropriate margins and required submission of substitute drawings. Enclosed herewith are 5 sheets of substitute drawings, including substitutes for each of Figures 1-4, 5A and 5B corrected to include proper margins. Figs. 1-4, 5A and 5B constitute all of the Figures in the application.

Also enclosed herewith under separate cover for recording is an Assignment for the named inventors to RxKinetix, Inc., a recordation cover sheet and a check in the amount of \$40 for the recordation fee.

It is believed that all of the issues raised in the Notice to File Missing Parts have been addressed herein. No additional fees are believed to be due. If any additional fees are due, however, please debit such additional fees to Deposit Account No. 50-1419.

Respectfully submitted,

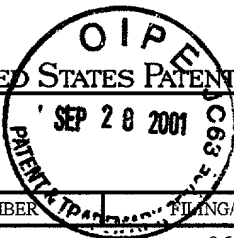
MARSH FISCHMANN & BREYFOGLE LLP

By:   
Ross E. Breyfogle, Esq.  
Registration No. 36,759  
3151 South Vaughn Way, Suite 411  
Aurora, Colorado 80014  
(303) 338-0997

Date: Sept. 28, 2001



UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/893,339	06/26/2001	Gary J. Rosenthal	42830-00236

CONFIRMATION NO. 1140

FORMALITIES LETTER



\*OC00000006489487\*

25231  
MARSH, FISCHMANN & BREYFOGLE LLP  
3151 SOUTH VAUGHN WAY  
SUITE 411  
AURORA, CO 80014

Date Mailed: 08/29/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$576.  
    ■ **\$576** for 32 total claims over 20.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 1416.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

10/02/2001 MBELETE1 00000088 09893339

01 FC:201

02 FC:203

03 FC:205

355.00 OP  
288.00 OP

65.00 OP

***A copy of this notice MUST be returned with the reply.***

Customer Service Center

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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